

REMARKS

Claims 1-36 are pending in the present application. Reconsideration of the claims is respectfully requested.

I. Examiner Interview

Applicants thank Examiner Barnie for the courtesies extended to Applicant's representative during the December 14, 2004 telephone interview. During the interview, the differences between the prior art and the presently claimed invention were discussed. Examiner Barnie stated he would consider the arguments presented by the Applicant. The substance of the interview is summarized in the remarks of sections that follow.

II. 35 U.S.C. § 103, Alleged Obviousness, Claims 1-36

The Office Action rejects claims 1-36 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Carlsson et al. (U.S. Patent No. 6,253,074 B1). This rejection is respectfully traversed.

As to claims 1, 13 and 25, the Office Action states:

Regarding claims 1 and 13, Carlson teaches a cellular telecommunications system wherein a call made to a party roaming or a user making a call while roaming can be charged to a designated party other than one operating the phone including roaming charges incurred (see disclosure). Carlson fails to specifically teach that a calling party, called party or a third party can be billed for a call but it would have been obvious to one of ordinary skill in the art at the time the invention was made that either party can be billed for a call made by a mobile terminal including a business in order to reduce charges undertaken by a user for telephony usage based on stored call charge recipient.

Detecting whether the mobile telephone is present within an area reads simply on roaming in a VLR.

Regarding claims 25 and 33-36, see the explanation as set forth regarding claim 1 in addition to the fact it would have been obvious to implement the teaching of Carlson in a computer medium with the claimed limitations to expedite processing.

Office Action dated October 1, 2004, pages 2-3.

Claim 1, which is representative of the other rejected independent claims 13 and 25 with regard to similarly recited subject matter, reads as follows:

1. A method operative with respect to a telephone conversation having at least one party operating a mobile telephone, the method comprising:
 - detecting whether the mobile telephone is present within a pre-defined area; and
 - responsive to detecting that the mobile telephone is present within the pre-defined area, writing data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone, wherein the second party is a party other than the at least one party operating a mobile telephone.

Carlsson fails to teach or suggest responsive to detecting that the mobile telephone is present within the pre-defined area, writing data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone, wherein the second party is a party other than the at least one party operating a mobile telephone.

Carlsson is directed to providing true user, terminal and subscription mobility within a cellular system by assigning a telephone number to a particular user rather than to a particular subscriber terminal. In the Carlsson system subscriptions and subscriber terminals are each identified by separate unique identifications numbers. The system allows several users to register with the cellular system and thereby utilize a single terminal for receiving terminating calls. Any user of the system may also utilize someone else's cellular telecommunications terminal to make an outgoing call and have it charged to the user's own subscription regardless of to whom the subscriber terminal belongs.

Thus, in the Carlsson system a cellular system operator assigns a subscription account to a user, which the user provides prior to making a call. Then any charges related to that call are charged to the user's subscription account and not the subscriber terminal. The Office Action states that Carlsson fails to specifically teach that a calling party, called party or a third party can be billed for a call but it would have been obvious to one of ordinary skill in the art at the time the invention was made "that either party can be billed for a call made by a mobile terminal including a business in order to reduce charges undertaken by a user for telephony usage based on stored call charge recipient".

Applicants respectfully submit that it would not have been obvious to modify Carlsson to reach the presently claimed invention as Carlsson is specifically directed to charging usage to a user's subscription account as directed by the user prior to the call being made. This is supported by Carlsson at column 4, lines 51-57, which reads as follows:

A typical telephone user may use more than one cellular subscriber terminal, and may wish to charge his calls to more than one subscription account. For example, calls made for the user's private purposes may be charged to the user's private subscription while, on the other hand, calls made for the user's business purposes may be charged to the user's employer's subscription.

As described, the user must decide which of the user's subscriptions that the charges would be billed to. Thus, there is not teaching or suggestion by the Carlsson reference that charges would be directed to anyone other than a user's own subscription. The Office Action's allegations that "either party can be billed for a call made by a mobile terminal including a business in order to reduce charges undertaken by a user for telephony usage based on stored call charge recipient" is not supported by any section of the Carlsson reference. Moreover, since Carlsson is directed to the user deciding which subscription is to be billed "before the receipt of any signals" (see column 7, lines 18-25), there would be no need for the a second party who is a party other than the at least one party operating a mobile telephone to incur the charges, since the user has already decided where the billing will be directed.

Furthermore, there is not so much as a suggestion to modify the Carlsson reference to include such features. That is, there is no teaching or suggestion in Carlsson that a problem exists for which writing data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone, wherein the second party is a party other than the at least one party operating a mobile telephone, in responsive to detecting that the mobile telephone is present within the pre-defined area, is a solution. To the contrary, Carlsson teaches a user identifying the subscription to where the charges should be directed and does not recognize a need to write data to a second party who is one of the parties on the call but other than user using the mobile telephone, as recited in claim 1.

Thus, Carlsson fails to teach or suggest all of the features in independent claims 1, 13 and 25. At least by virtue of their dependency on claims 1, 13 and 25, the specific features of claims 2-12, 14-24 and 26-36 are not taught or suggested by Carlsson. Accordingly, Applicants respectively request withdrawal of the rejection of claims 1-36 under 35 U.S.C. § 103(a).

Moreover, in addition to their dependency from independent claims 1, 13 and 25 respectively, the specific features recited in dependent claims 3, 4, 9, 16, 17, 22, 27, 28 and 33 are not taught or suggested by Carlsson. For example, with regard to claims 2, 14 and 26, Carlsson does not teach or suggest writing data to the billing record to indicate that the second party has been billed for additional charges of the at least one party operating a mobile telephone that are other than mobile telephone airtime charges. The Office Action fails to address this feature but, rather, alleges that feature is taught with relation to claim 1. As discussed above with respect to the present invention, only a user's subscription account will be billed for the charges prior to a call being made by the user. Thus, a second party who is one of the parties on the call but other than user using the mobile telephone would not be billed for any charges including additional charges that are other than mobile telephone airtime charges.

As an additional example, with regard to claims 3, 15 and 27, Carlsson does not teach or suggest where the additional charges of claims 2, 14 and 26 are at least one of long distance charges, local toll charges, and local telephone call charges. The Office Action fails to address this feature but, rather, alleges that feature is taught with relation to claim 1. There is no section of the Carlsson reference where long distance, toll or local telephone call charges are mentioned or even referenced.

As a further example, with regard to claims 4, 16 and 28, Carlsson does not teach or suggest presenting an indication to the at least one party operating a mobile telephone that the at least one party operating a mobile telephone will not be billed for the mobile telephone airtime charges. The Office Action fails to address this feature but, rather, alleges that feature is taught with relation to claim 1. As discussed above, the Carlsson user is required to choose the subscription to be billed prior to a call being made. Thus there would be no need for presenting an indication to the user of the mobile telephone that the user will not be billed for the mobile telephone airtime charges.

As still a further example, with regard to claims 8, 20 and 32, Carlsson does not teach or suggest responsive to detecting that the mobile telephone has left the pre-defined area, writing additional data to the billing record to indicate that the at least one party has been billed for mobile telephone airtime charges accrued after leaving the pre-defined area. While the VLR of Carlsson may teach detecting whether or not a user leaves an area, the user of Carlsson will have the additional charges billed to the user's own subscription and not a second party who is one of the parties on the call but other than user using the mobile telephone.

As an additional example, with regard to claims 9, 21 and 33, Carlsson does not teach or suggest a detecting step that includes triangulating the position of the mobile telephone from signal transmission times with regard to in order to write data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone. The Office Action takes Official Notice that "it's well known to sense a location of a user by using the claimed limitations." While it may be well known to detect the location of a person using a mobile telephone by using triangulation, that type of detection is most often used for emergency purposes and not to write data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone. Thus, Applicants respectfully traverse the Official Notice and request a reference be provided that teaches detecting whether the mobile telephone is present within a pre-defined area by triangulating the position of the mobile telephone from signal transmission times in order to writing data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone.

As a further example, with regard to claims 10, 22 and 34, Carlsson does not teach or suggest where the signal transmission times include at least one of mobile telephone signal transmission times and Global Positioning System (GPS) signal transmission times. The Office Action rejects these features by taking Official Notice that "it's well known to sense a location of a user by using the claimed limitations." However, these claims are not directed to sensing a location but transmission times including a mobile telephone signal transmission times and Global Positioning System

(GPS) signal transmission times. The Carlsson reference does not mention or elude to signal transmission times, mobile telephone signal transmission times or GPS signal transmission times. Thus, Applicants respectfully traverse the Office Actions use of the Official Notice.

As still a further example, with regard to claims 12, 24 and 36, Carlsson does not teach or suggest where a sensor is used to detect whether the mobile telephone is present within a pre-defined area, where the sensor includes a radio-frequency identification tag reader. Again, Applicants respectfully traverse the Office Action's Official Notice as related to these claims. Applicants respectfully submit that it is not well known to detect mobile telephone presence using a sensor that includes a radio-frequency identification tag reader in order to write data to a billing record to indicate that a second party has been billed for mobile telephone airtime charges of the at least one party operating a mobile telephone.

Thus, in addition to being dependent on independent claims 1, 13 and 25, the specific features of dependent claims 2-12, 14-24 and 26-36 are also distinguishable over Carlsson by virtue of the specific features recited in these claims. Accordingly, Applicant respectfully requests withdrawal of the rejection of dependent claims 2-12, 14-24 and 26-36 under 35 U.S.C. § 103 (a).

III. Conclusion

It is respectfully urged that the subject application is patentable over the prior art of record and is now in condition for allowance. The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: December 17, 2004

Respectfully submitted,

Francis Lammes

Francis Lammes
Reg. No. 55,353
Yee & Associates, P.C.
P.O. Box 802333
Dallas, TX 75380
(972) 385-8777
Agent for Applicants